

### Remarks

The Applicants have amended Claim 5 to recite that dye impregnates the substrate between the fibers (and not into individual fibers).

Claim 7 has been amended to remove the “forming of fiber-entangled substrate” language and to reinsert the “a fiber-entangled substrate mainly containing” language that was removed in the last Response.

New Claim 10 is similar to Claim 5. However, it recites that the colors are “consisting of” at least one of each yellow, red and blue pigments. New Claim 11 is the same as Claim 6 except that it depends from new Claim 10.

Entry of the above amendments and new claims into the official file is respectfully requested. Consideration on the merits is also respectfully requested.

Claims 5-8 stand rejected under 35 USC §112 as failing to comply with the written description requirement. Similarly, the specification is objected to for failing to provide proper antecedent basis for selected claimed subject matter.

The rejection recites that the new limitations wherein the pigments are “impregnated into the ultrafine polyester fibers” within the fiber entangled substrate is not supported. The Applicants respectfully submit that there is direct support for that language in paragraph [0103] which states that the polyurethane solution was immersed into the island fibers and “the impregnated fibers” were compressed ....” Reference to “the impregnated fibers” in that text provides direct support for the polyurethane being impregnated between those fibers as now claimed. Withdrawal of the rejection is accordingly respectfully requested.

Claims 1 and 7 stand rejected under 35 USC §103 over the hypothetical combination of Streicher with Shioda. The Applicants note with appreciation the Examiner’s detailed comments hypothetically applying the combination against those claims. The Applicants nonetheless respectfully submit that one skilled in the art would have no incentive to make the combination, but in any event, the combination would still fail to result in the subject matter of Claims 1 and 7. Reasons are set forth below.

The rejection states that Shioda teaches the claimed invention above but fails to specifically teach that the polyurethane contains at least one each of yellow, red and blue pigments. Thus, the rejection turns to Streicher to cure that deficiency. The Applicants respectfully submit, however, that

Shioda actually does disclose red and blue pigments along with perylene group, black pigment on page 9 of the English translation. Thus, it appears as if the rejection would need to rely on Streicher for the provision of yellow pigment. Thus, this inclusion of blue and red pigments in Shioda hardly provides motivation for one skilled in the art to look to Streicher. However, irrespective of the lack of motivation, that combination would still produce a different artificial leather and a different methodology with respect to Claims 1 and 7.

This can be seen by reference to the Applicants' specification wherein a number of experiments were conducted. There are four examples and four comparative examples as shown in Table 1 on page 25 of the Applicants' specification. Each of Examples 1-4 contain yellow, red and blue pigments. On the other hand, Comparative Example 4 contains black pigment, specifically perylene type pigment. This is the same type of pigment employed in Shioda and is at the heart of the Shioda disclosure which when referring to Shioda is explicitly set forth in paragraphs [0012]-[0014]. In other words, black pigment is at the heart of Shioda, irrespective of the presence of any other color pigments such as the red and blue pigments.

In any event, the presence of the black pigment has a striking effect on the resulting artificial leather. This can be seen in the right-hand most column with respect to the discoloration ratio after reduction cleaning. The discoloration ratio is 63% in Comparative Example 4 with the perylene black pigment. This is radically higher than any of Examples 1-4 (and any of Comparative Examples 1-3). This is problematic as discussed in the Applicants' specification in the background section in paragraphs [0014]-[0016].

Thus, it can readily be seen that artificial leathers having the perylene type black pigment have a very high discoloration ratio which is undesirable. Inclusion of the red and blue pigments also disclosed by Shioda and yellow pigments (as well as red and blue pigments) as taught by Streicher would not cure this fatal deficiency associated with the presence of the perylene type black pigments of Shioda.

Such a structure is completely inapplicable to Claim 7 inasmuch as Claim 7 recites that the discoloration ratio is 20% or less. Comparative Example 4 has a discoloration ratio that is more than three times higher than this claimed range. Thus, the Applicants respectfully submit that the combination of Streicher with Shioda is completely inapplicable to the subject matter of Claim 7.

The Applicants also respectfully submit that the combination is inapplicable to Claims 10 and 11 inasmuch as those claims specifically exclude the presence of black pigment by utilization of the term "consisting of."

With respect to Claim 5, the rejection states on page 5, lines 13-18, that "It would have been obvious to one of ordinary skill in the art at the time the invention was made to also include yellow, red and blue pigments selected from ... motivated by the desire to create a suede sheet material having a natural brown color while exhibiting excellent durability to light and resistance to discoloration and fading." The Applicants do not agree. In Streicher, the effects of exhibiting excellent durability to light and resistance to discoloration and fading are derived from a dyeing method of Streicher, *i.e.*, dyeing leather with a pigment in an aqueous liquor under specified conditions. The aforementioned effects of Streicher are not derived by including yellow, red and blue pigments. If one skilled in the art combined Streicher with Shioda motivated by the desire to create a suede sheet material having a natural brown color while exhibiting excellent durability to light and resistance to discoloration and fading, that person would prepare the dyed leather sheet by the dyeing method of Streicher which does not contain a step of mixing a polyurethane solution with pigments. The dyed leather sheets of Streicher do not contain polyurethane at all. Hence, even if Shioda and Streicher were hypothetically combined, the subject matter of Claim 5 would not be obtained.

Claims 6 and 8 stand rejected under 35 USC §103 over the further hypothetical combination of Pedain with Streicher and Shioda. The Applicants respectfully submit that Pedain fails to cure the deficiency set forth above with respect to Streicher and Shioda. Withdrawal of the rejection is accordingly respectfully requested.

In light of the foregoing, the Applicants respectfully submit that the application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



T. Daniel Christenbury  
Reg. No. 31,750  
Attorney for the Applicants

TDC/vbm  
(215) 656-3381